

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**STACEY D.,**

**Plaintiff,**

**v.**

**3:20-CV-949  
(FJS/ATB)**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**APPEARANCES**

**OF COUNSEL**

**OLINSKY LAW GROUP**

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Syracuse, New York 13202  
Attorneys for Plaintiff

**HOWARD D. OLINSKY, ESQ.**

**SOCIAL SECURITY ADMINISTRATION**

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15 New Sudbury Street  
Boston, Massachusetts 02203

**NICOLE BOUDREAU, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

Plaintiff brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of a final decision of Defendant Commissioner denying Plaintiff's application for Social Security Disability Insurance benefits and Supplemental Security Income benefits. *See* Dkt. No. 1. On May 6, 2021, Plaintiff filed her memorandum of law in support of her motion for judgment on the pleadings, *see* Dkt. No. 14; and on August 20, 2021, Defendant filed her memorandum of law in support of her motion for judgment on the pleadings, *see* Dkt. No. 19. After a thorough review of the record, Magistrate Judge Baxter issued a Report and Recommendation, in which he recommended that the Court reverse Defendant Commissioner's

decision and remand this case, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with his report. *See* Dkt. No. 20 at 18. The parties filed no objections to Magistrate Judge Baxter's recommendation.

"When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice." *Young v. Polizzi*, No. 9:16-CV-660, 2018 WL 3949942, \*1 (N.D.N.Y. Aug. 16, 2018) (quoting *Ward v. Lee*, No. 9:16-CV-1224, 2018 WL 3574872, \*1 (N.D.N.Y. July 25, 2018) (citation omitted)). "After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part the . . . recommendations made by the Magistrate Judge.'"" *Id.* (quotation omitted).

The Court has reviewed Magistrate Judge Baxter's January 14, 2022 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

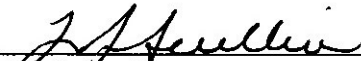
**ORDERS** that Magistrate Judge Baxter's January 14, 2022 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

**ORDERS** that the Commissioner's decision is **REVERSED** and this case is **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), consistent with Magistrate Judge Baxter's Report and Recommendation, including his instruction that "consistent with this [C]ourt's February 1, 2019 Memorandum-Decision and Order, the ALJ [shall] make a determination supported by substantial medical opinion evidence of on what date, between March 12, 2013 and January 26, 2016, [P]laintiff's limitations worsened to the point that she became disabled[.]" *see* Dkt. No. 20 at 18; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Plaintiff and close this case.

**IT IS SO ORDERED.**

Dated: March 29, 2022  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge